

REMARKS

The present remarks are submitted in response to a final office action mailed August 4, 2008. The application consists of claims 1-66 of which claims 45-66 are withdrawn. No amendments to the claims are filed with this response.

Claim rejections 102 & 103

Claims 1, 2, 4-30, 33-36, 41, 42 and 44 stand rejected under 35 U.S.C. 102(a) as anticipated by Morgenshtein, Master of Science Thesis in Bio-Medical Engineering, at the Technion-Israel Institute of Technology, Israel, April 2003.

Claim 31 and 32 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein.

Claim 3 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Hiramoto et al (US 4,444,644).

Claims 37-40 stand rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Indermuhle et al (US 6,794,197) and Sawada et al (Transducers, 2003 12th Annual Conference on Solid-State Sensors, Actuators, and Microsystems, Pg. 1023-1026).

Claim 43 stands rejected under 35 U.S.C. 103(a) as obvious over Morgenshtein in view of Tsuboshima (US 4,332,658).

The claims stand all rejected in view of Morgenshtein. Applicants have previously filed a declaration under 37 CFR 1.132 by Arkadiy Morgenshtein declaring that the Research Thesis was first published on April 27, 2003, less than twelve month before the priority date of the present application. The Examiner acknowledged the declaration and publication date but argued that since the author of the Morgenshtein reference is credited as Arkadiy Morgenshtein only and the present

application indicates a different inventive entity comprising of three inventors, the Morgenshtein reference qualifies as prior art under 35 USC 102(a).

Applicants respectfully disagree and submit that the two additional inventors besides Morgenshtein, namely Uri Dinnar and Yael Nemrovsky, supervised the Research Thesis as is indicated on the second page of the Thesis. The work on the Research Thesis was jointly performed by all three inventors. Nevertheless, Arkadiy Morgenshtein was credited as the author of the Thesis, as is customary with Master students. In evidence thereof, applicants submit herewith declarations under 37 CFR 1.131 by all three inventors, declaring that the work on the Morgenshtein reference was jointly performed by all three inventors of the present application.

In view of the declarations filed herewith, applicants respectfully submit that the Morgenshtein reference disqualifies as prior art under 35 USC 102(a) and that the rejection is moot.

Conclusion

Since all the rejections have been overcome, the claims are now deemed patentable. A notice thereof is respectfully awaited.

Respectfully submitted,



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Enclosures:

- Petition for Extension (One Month)
- Declarations Under 37 CFR 1.132 by Arkadiy Morgenshtein, Yael Nemirovsky and Uri Dinnar